

Buffalo Evening News, 6 Oct 66

CPYRIGHT

FOIAb3b

Defense Witnesses Scheduled to Testify In Bomber Trial

CPYRIGHT

By RON MASELKA

More defense witnesses were set to testify today at the Federal Court trial of two men charged with conspiring to unlawfully export seven B-26 bombers to Portugal in 1965.

The government rested its case Wednesday, the 10th trial day.

In continuing to reserve decision on defense motions to dismiss all charges, Judge John O. Henderson noted "the motions are strong and I am not able to resolve them."

On trial before a jury of 10 men and two women are John R. Hawke, 28, a former Royal Air Force pilot, and Henri Marie Francois de Montmarin, 58, a French businessman.

Edwin Marger of Miami Beach, Hawke's attorney, has claimed that his client believed he was working for the U. S. government when he piloted the planes overseas and that the CIA approved the project.

Customs Agent Enters

One defense witness Wednesday was FBI agent Joseph B. Sullivan who said Hawke came to the Ft. Lauderdale, Fla. FBI office in the fall of 1965 wanting to know if the FBI was following him.

"I told him to the best of my knowledge, the FBI was not," Mr. Sullivan said, noting that a few minutes later a man identifying himself as a U. S. Customs agent entered the office.

"He said he had been watching Mr. Hawke that afternoon in regards to a case Hawke was involved in," Mr. Sullivan testified.

"There was a heated exchange between Hawke and the customs agent and Mr. Hawke said: 'Why are you following me when we are both working for the same people?'"

\$3000 Per Plane

Another defense witness, Edmund F. Keyes, a pilot from Florida, said he discussed piloting the bombers to Bordeaux, France, in February 1965 with Gregory R. Board, 45, in Tucson. Board is the missing defendant in the case.

Mr. Keyes said Board told him he would pay \$3000 per plane ferried to France "which didn't overly impress me after starting to deduct the expenses."

The witness estimated he could have made "\$1000 on a good tour" and "\$500 on a bad tour," depending on such factors as weather.

Mr. Keyes said he stressed a concern over necessary documents for the flights and "Board assured me that the paper work would be proper and there would be no delay with Customs."

Decision Reserved

Noting he did not get the job, Mr. Keyes testified he did not hear from Board.

After 90 minutes of oral argument earlier, Judge Henderson reserved decision on defense motions to dismiss all charges against the two men.

Court records indicated the government called a total of 24 witnesses and submitted more than 50 exhibits into evidence.

Edward Brodsky of New York, attorney for de Montmarin, argued that the government had failed to provide sufficient evidence indicating that his client had specific knowledge of the export license requirement or specific knowledge that no license had been obtained.

Could Have Asked

Hawke's attorney, Edwin Marger of Miami Beach, argued that the government had failed to establish that there was no written State Department approval to export the planes.

Mr. Marger suggested that the government could have called the State Department officer in charge of the Portuguese desk who "would be the one most likely to have knowledge of other permissions besides export licenses."

Responding to a defense challenge to the trial's venue, U. S. Atty. John T. Curtin said the government maintains "that the criminal act occurred here because the port of exit was Rochester." At least two of the aircraft allegedly left the U. S. via Rochester.